

**RULES REVIEW COMMISSION MEETING
MINUTES
November 20, 2014**

The Rules Review Commission met on Thursday, November 20, 2014, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Stephanie Simpson, Faylene Whitaker and Ralph Walker.

Staff members present were: Commission counsels Abigail Hammond and Amanda Reeder; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 9:59 a.m. with Chairman Currin presiding.

Chairman Currin addressed the Commission and presented Commission Counsel Abigail Hammond with her 5 (five) year service award.

Chairman Currin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts.

APPROVAL OF MINUTES

Chairman Currin asked for any discussion, comments, or corrections concerning the minutes of the October 16, 2014 meeting. There were none and the minutes were approved as distributed.

FOLLOW-UP MATTERS

Board of Agriculture – 02 NCAC 20B .0413 was unanimously approved.

Criminal Justice Education and Training Standards Commission – 12 NCAC 09B .0202. The Commission voted to rescind its previous approval of this Rule at the October meeting. The Commission approved staff's recommendation to approve the re-written rule.

LOG OF FILINGS (PERMANENT RULES)

Child Care Commission

All rules were unanimously approved

Department of Environment and Natural Resources

15A NCAC 28 .0302 was unanimously approved.

Department of Revenue

17 NCAC 10 .0504 was unanimously approved.

Hearing Aid Dealers and Fitters Board

All rules were unanimously approved.

Board of Occupational Therapy

21 NCAC 38 .0802 was withdrawn at the request of the agency. No action was required by the Commission.

Building Code Council

All rules were unanimously approved.

TEMPORARY RULES

Medical Care Commission

All rules were unanimously approved.

Prior to the review of the rules from the Medical Care Commission, Commissioner Simpson recused herself and did not participate in any discussion or vote concerning these rules because of a possible conflict with her husband's law firm.

Commission for Public Health

10A NCAC 41A .0101 was unanimously approved.

Environmental Management Commission

All rules were unanimously approved.

Wildlife Resources Commission

15A NCAC 10H .0301 was unanimously approved.

EXISTING RULES REVIEW

Department of Commerce

04 NCAC 14 – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Department of Commerce, Commissioner Doran recused herself and did not participate in any discussion or vote concerning these rules because she is employed by the Department of Commerce.

Christine Ryan from the agency addressed the Commission.

Commissioner of Insurance

11 NCAC 14, 18, 20, 21, 22 – The Commission unanimously approved the reports as submitted by the agency.

Prior to the review of the reports from the Commissioner of Insurance, Commissioner Simpson recused herself and did not participate in any discussion or vote concerning these rules because of a possible conflict with her husband's law firm.

Karen Waddell from the agency addressed the Commission.

Ted Hamby from the agency addressed the Commission.

Department of Labor

13 NCAC 08 – The Commission unanimously approved the report as submitted by the agency.

Occupational Safety and Health Review Commission

13 NCAC 10 – The Commission unanimously approved the report as submitted by the agency.

Department of Environment and Natural Resources

15A NCAC 01G, 01H – The Commission unanimously approved the reports as submitted by the agency.

Department of Environment and Natural Resources

15A NCAC 12A, 12B, 12C, 12D, 12F, 12G, 12I, 12J, 12K – The Commission unanimously approved the reports submitted by the agency.

Board of Registration for Foresters

21 NCAC 20 – The Commission voted not to approve the staff recommendation for rules 21 NCAC 20 .0109 and .0110 with Commissioners Choi, Doran, Dunklin, Hemphill, and Walker voting against and Commissioners Currin, Hyde, Simpson, and Whitaker voting in favor. The Commission voted to unanimously approve the report as submitted by the agency.

Board of Licensing of Geologists

21 NCAC 21 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Doran was not present during the discussion and vote of the report.

Landscape Contractors' Registration Board

21 NCAC 28 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Doran was not present during the discussion and vote of the report.

Prior to the discussion and vote of this Rule, Commissioner Whitaker recused herself and did not participate.

Board of Licensing of Soil Scientists

21 NCAC 69 – The Commission unanimously approved the report as submitted by the agency.

Occupational Safety and Health Review Commission

24 NCAC 03 – The Commission unanimously approved the report as submitted by the agency.

COMMISSION BUSINESS

Commission counsel gave an update on re-adoption pursuant to G.S. 150B-21.3A.

At 11:30 am, Chairman Currin ended the public meeting of the Rules Review Commission and called the meeting into a closed session pursuant to G.S. 143-318.11 to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission.

The Commission came out of closed session at 1:31 pm.

The meeting adjourned at 1:33 p.m.

The next regularly scheduled meetings of the Commission are scheduled for Wednesday, December 17th and Thursday, December 18th at 9:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

Julie Brincefield
Administrative Assistant

Minutes approved by the Rules Review Commission:

Margaret Currin, Chair

Rules Review Commission

Meeting

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* November 2014 *

Name	Agency
CALVIN KIRVEN	NC LANDSCAPE CONTRACTORS REGISTRATION - TBD
Jane Gilchrist	NC DOL
Karissa Sluss	NC DOL
Nadine Pfeiffer	DHSR
Azzie Conley	DHSR
BARRY GURTON	NC DOI / NC BCC
Chris Evans	BCBSAC
Michael Brown	NC DOR
Jennifer Everett	DENR
Sara Koch	NC BRP
Lindsay Walata	NC Board for Licensing of Geologists
Trevor Allen	CJETS
TEX HAMBY	NC DOI
Gardine Jenkins	NC DOI NC BCC
Jon Lanier	NC DA & CS
Jeremy Ray	DES
Mitch Gailley	DES
Felicia Goss Houser	OHRO
DAVID GRIFFIN	David Griffin DENR
Bob MARTIN	DPH
JOHN STEVENS	NCBLG

Rules Review Commission
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* November 2014 *

Name	Agency
Joelle Burleson	NC DENR - DAQ
MIKE VICARIO	NCHA
BARBARA GEIGER	NC Bd for Lic. of Geology
Patrick Knowlson	NC DENR - DAQ
Duke Allen	DCDEE
Loni Pugh	DCDEE
Karen Waddell	NC DOI
Anca GROZAV	OSBM
Jim Wellons	DOJ
Barry Bloch	DOJ
Kate Pipkin	NEWRC
Catherine Jorgensen	HADF B
Conor Brockett	NCMS
Christine Ryan	Commerce
ALAN CLAPP	NC BLSS
Ben Popkin	NC DOI